

01-02-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #73

IN THE UNITED STATES PATENT AND TRADEM  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MANSFIELD PLUMBING PRODUCTS, LLC. )

Opposer, )

v. )

ELKAY MANUFACTURING COMPANY )

Applicant. )

Opposition No. 124,940

BOX TTAB  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**JOINT MOTION TO SUSPEND PROCEEDINGS FOR PURPOSES OF  
SETTLEMENT NEGOTIATIONS**

Opposer, Mansfield Plumbing Products, L.L.C., and Applicant, Elkay Manufacturing Company, by and through their attorneys, jointly request that these opposition proceedings be suspended for a period of not less than six (6) months for purposes of settlement negotiations. The grounds for this motion are:

(1) On or about November 15, 2002, Opposer and Applicant have agreed to terms for settlement of their dispute as to Applicant's use and registration of the trademark ALLURE;

(2) The settlement reached by the parties is contingent upon the Examining Attorney's acceptance of an agreed amendment to the description of the goods of Applicant; and

(3) The suspension will allow the time needed for the Examining Attorney to consider the proposed amendment, and in the event the amendment is not allowed, for the parties to decide whether to resume negotiations and/or prepare to proceed.

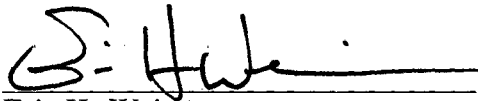
Brief in Support

Opposition proceedings may be suspended upon motion or upon stipulation of the parties approved by the Board. 37 C.F.R. 2.117(c); TMBP 510.03(a). Good cause for suspension has been found to exist where the parties are engaged in settlement negotiations. *Mac Millan Bloedel Ltd. v. Arrow-M Corp.*, 203 U.S.P.Q. 952 (T.T.A.B. 1979).

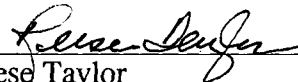
Here, the parties have agreed to terms of settlement contingent upon acceptance by the Examining Attorney of an agreed amendment to the goods. Thus, the suspension is needed to provide time for the Examining Attorney to consider the amendment, and for the parties to decide whether to resume negotiations and/or prepare to proceed should the amendment be denied.

Wherefore, the parties jointly request that these proceedings be stayed, for a period of not less than six (6) months.

Respectfully submitted,



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TTAB

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application, Serial No. 78/100,553

MANSFIELD PLUMBING PRODUCTS, LLC.

Opposition No. 124,940

Opposer

VS.

ELKAY MANUFACTURING COMPANY

Applicant.

CERTIFICATE OF MAILING

I hereby certify that this correspondence was deposited  
with the United States Postal Service as first class mail in  
an envelope addressed to: TTAB NO FEE,  
Assistant Commissioner for Patents,  
Washington, D.C. 20231  
on this 30 day of December, 2002

Melinda A. Miller  
Melinda A. Miller, Sec'y. to Reese Taylor

BOX TTAB  
To The Assistant Commissioner For Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

TRANSMITTAL SHEET

Enclosed is:

Transmittal Sheet (in duplicate)  
Joint Motion to Suspend Proceedings for Purposes of Settlement Negotiations (in  
triplicate)  
Return Receipt Postcard

Respectfully submitted,

Reese Taylor

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Dated: 12-30-2002

Attorney for Opposer